

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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|------------------|---|----------------------|
| BEATRICE HUDSON, |) | |
| |) | |
| Plaintiff, |) | 8:06cv563 |
| |) | |
| vs. |) | MEMORANDUM AND ORDER |
| |) | |
| CITY OF OMAHA, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on filing no. 4, my Memorandum and Order directing the plaintiff to pay the filing fee in this case by no later than September 15, 2006, in the absence of which this case could be subject, without further notice, to dismissal without prejudice for lack of prosecution. The plaintiff has not paid the filing fee, and the deadline set in filing no. 4 has expired. Pursuant to 28 U.S.C. § 1915(e)(2), and because the plaintiff has failed to prosecute this case with diligence, the plaintiff's complaint and the above-entitled case are dismissed without prejudice. A separate judgment will be entered accordingly.

SO ORDERED.

September 21, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge